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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,605

12/31/2003

James H. Watt

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EXAMINER

WON, MICHAEL YOUNG

ART UNIT

PAPER NUMBER

2155

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/750,605	<b>Applicant(s)</b> WATT, JAMES H.	
	<b>Examiner</b> MICHAEL Y. WON	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 42-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the amendment filed February 14, 2005.
2. Claims 1-41 have been cancelled and new claims 42-53 have been added.
3. Claims 42-53 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 46, 48, 49, 51, and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 46, 48, 49, 51, and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 42-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US 6,490,614) in view of Reece et al. (US 5,619,257).

INDEPENDENT:

As per **claim 42**, Shaffer teaches a method of modifying on a server an order of audio/video messages created by respective users at respective workstations, the method comprising:

(a) creating a first audio/video message on a first workstation at a first time (see col.6, lines 19-24: "one employee may have generated... multimedia message");

(b) transferring a copy of the first audio/video message to the server (see col.4, lines 62-65 and col.5, lines 32-33: "The change is then submitted to a moderator");

(c) storing the first audio/video message on the server (see col.3, lines 8-11: "general storage area and as scratch-pad memory, and can also be used to store input data and processed data");

(d) creating at least a second audio/video message on a second workstation at a second time later than the first time (see col.6, lines 19-24: "while another employee may have generated... multimedia message");

(e) transferring a copy of the at least second audio/video message to the server (see col.4, lines 62-65 and col.5, lines 32-33: "The change is then submitted to a moderator"); and

(g) storing on the server the first audio/video message and the at least second audio/video message (see col.3, lines 8-11: “general storage area and as scratch-pad memory, and can also be used to store input data and processed data”).

Shaffer does not explicitly teach (f) placing and storing the at least second audio/video message on the server in a temporally independent pseudo-chronology relative to the first audio/video message determined by a user of the second workstation.

Reele teaches (f) placing and storing the at least second audio/video message on the server in a temporally independent pseudo-chronology relative to the first audio/video message determined by a user of the second workstation (see col.4, lines 22-29).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Shaffer in view of Reele by implementing (f) placing and storing the at least second audio/video message on the server in a temporally independent pseudo-chronology relative to the first audio/video message determined by a user of the second workstation. One would be motivated to do so because absent functionality of improvement, the subjective nature of how and where or in what order data is stored does not render the invention novel.

As per **claim 45**, Shaffer teaches a method of modifying a sequence of audio/video messages stored on a workstation, the method comprising:

(a) creating on the workstation at a first time a first audio/video message (see col.6, lines 19-24: “one employee may have generated...”);

(b) storing the first audio/video message on the workstation (see col.3, lines 8-11: “general storage area and as scratch-pad memory, and can also be used to store input data and processed data”);

(c) creating on the workstation at a second time later than the first time at least a second audio/video message(see col.6, lines 19-24: “while another employee may have generated... multimedia message”); and

(e) storing the first audio/video message and the at least second audio/video message on the workstation (see col.3, lines 8-11: “general storage area and as scratch-pad memory, and can also be used to store input data and processed data”).

Shaffer does not explicitly teach (d) placing and storing the at least second audio/video message on the workstation in a temporally independent pseudo-chronology relative to the first audio/video message determined by a user of the workstation.

Reele teaches (d) placing and storing the at least second audio/video message on the server in a temporally independent pseudo-chronology relative to the first audio/video message determined by a user of the second workstation (see col.4, lines 22-29).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Shaffer in view of Reele by implementing (d) placing and storing the at least second audio/video message on the server in a temporally independent pseudo-chronology relative to the first audio/video message determined by a user of the second workstation. One would be motivated to do so

because absent functionality of improvement, the subjective nature of how and where or in what order data is stored does not render the invention novel.

As per **claim 50**, Shaffer teaches a method of modifying a sequence of audio/video messages stored on a workstation, the method comprising:

(a) receiving on the workstation at a first time at least one audio/video message from a server (see col.6, lines 29-30: "A sender, such as a group secretary, sends the original multimedia message");

(b) creating on the workstation at a second time later than the first time at least a second audio/video message (see col.6, lines 19-24: "while another employee may have generated... multimedia message"); and

(d) storing the at least one audio/video message and the at least second audio/video message on the workstation (see col.3, lines 8-11: "general storage area and as scratch-pad memory, and can also be used to store input data and processed data").

Shaffer does not explicitly teach (c) placing and storing the at least second audio/video message on the workstation in a temporally independent pseudo-chronology relative to the at least first audio/video message determined by a user of the workstation.

Reele teaches (c) placing and storing the at least second audio/video message on the server in a temporally independent pseudo-chronology relative to the first audio/video message determined by a user of the second workstation (see col.4, lines 22-29).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Shaffer in view of Reeley by implementing (c) placing and storing the at least second audio/video message on the server in a temporally independent pseudo-chronology relative to the first audio/video message determined by a user of the second workstation. One would be motivated to do so because absent functionality of improvement, the subjective nature of how and where or in what order data is stored does not render the invention novel.

As per **claim 52**, Shaffer teaches a method of modifying a sequence of audio/video messages stored on a workstation, the method comprising:

(a) receiving on the workstation at a first time a plurality of audio/video messages in a first chronology from a server (see col.6, lines 29-30: "A sender, such as a group secretary, sends the original multimedia message");

(b) creating on the workstation at a second time later than the first time at least a second audio/video message (see col.6, lines 19-24: "while another employee may have generated... multimedia message"); and

(d) storing on the workstation the second audio/video messages formed in (c) (see col.3, lines 8-11: "general storage area and as scratch-pad memory, and can also be used to store input data and processed data").

Shaffer does not explicitly teach (c) placing and storing the at least second audio/video message on the workstation in a sequence relative to the plurality of audio/video messages determined by a user of the workstation to form a second temporally independent pseudo-chronology.



Reele teaches (c) placing and storing the at least second audio/video message on the server in a temporally independent pseudo-chronology relative to the first audio/video message determined by a user of the second workstation (see col.4, lines 22-29).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Shaffer in view of Reele by implementing (c) placing and storing the at least second audio/video message on the server in a temporally independent pseudo-chronology relative to the first audio/video message determined by a user of the second workstation. One would be motivated to do so because absent functionality of improvement, the subjective nature of how and where or in what order data is stored does not render the invention novel.

**DEPENDENT:**

As per **claims 43, 44, and 47**, which respectively depend on claims 42, 42, and 45, Shaffer and Reele teach further comprising:

creating a plurality of additional respective (a third) audio/video messages on the first workstation or on the second workstation or on respective additional (a third) workstations at respective times later than at least the first time;

transferring a copy of selected ones of the plurality of additional respective (third) audio/video messages to the server;

placing the transferred selected additional respective (third) audio/video messages in at least a second temporally independent pseudo-chronology relative to

the first audio/video message and the at least second audio/video message determined by respective users of the first workstation or of the second workstation or of the respective additional (third) workstations; and

storing on the server the first audio/video message, the at least second audio/video message, and the selected additional respective (third) audio/video messages in the at least second temporally independent pseudo-chronology (see independent claim rejections above: repeating steps previously taught does not render the invention novel).

As per **claims 46, 48, 51, and 53**, which respectively depend on claims 45, 47, 50, and 52, Shaffer further teaches wherein the placing of the at least second audio/video message is performed substantially concurrently with its creation.

As per **claim 49**, which depends on claim 47, Shaffer further teaches wherein the replacing of an earlier respective temporally independent pseudo-chronology with a later respective temporally independent pseudo-chronology is performed substantially concurrently with the storing on the workstation of each respective temporally independent pseudo-chronology (see claim 46, 48, 51, and 53 rejection above).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 42-53 have been considered but are moot in view of the new ground(s) of rejection.

The limitations of new claims 42-53 are explicitly taught by Shaffer et al. (US 6,490,614) in view of Reeley et al. (US 5,619,257).

***Conclusion***

7. For the reasons above, claims 42-53 have been rejected and remain pending.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL Y. WON whose telephone number is (571)272-3993. The examiner can normally be reached on M-Th: 10AM-8PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

March 17, 2008